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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,650	01/18/2000	Thomas Ahrndt	P99.2498	9932

7590 02/06/2003

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EXAMINER

VOLPER, THOMAS E

ART UNIT	PAPER NUMBER
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2697

DATE MAILED: 02/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/484,650

Applicant(s)

AHRNDT ET AL.

Examiner

Thomas Volper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 and 10. 6) ☐ Other: .

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Regarding claim 2, the phrase "given use of" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nimmagadda in view of Yamano et al.

- Regarding claim 1, Nimmagadda discloses an ADSL system (Fig. 5) in which a subscriber uses a computer (30) and an ADSL modem (28) for use with ADSL system (106). An ADSL system makes use of twisted pair wiring to provide voice service and data service (col. 1, lines 19-25). The ADSL system also includes, at the other end of the subscriber voice and data line, a central office switch (16) connected to a PSTN (108). The ADSL system also includes an ADSL modem (18) at the telephone switch side that connects to an ISP (108) for connection to the Internet. Fig. 5 demonstrates that the core region of the telephone switch can be bypassed by sending data traffic through modem (18) to the ISP. Nimmagadda does not expressly disclose that the ADSL modem (28), which meets the limitation of a high-bit-rate data transmission device, operates only those parts of the device that evaluate a criterion indicating a beginning of data transmission outside the context of data transmission, and operating the remaining parts when a beginning of a data transmission is indicated. Yamano discloses a receiver circuit (300) of a modem. The signal received on communication channel (321) of the receiver circuit (300) is a signal in accordance with conventional modem protocol, such as xDSL (col. 7, lines 17-25). The circuit (300) includes a framer/idle detector (307) that monitors the digital bit stream to determine if it is in an idle state, or a data state, i.e. the digital bit stream is representative of packet data (col. 8, lines 36-47). The analog received signal is sampled by an analog to digital converter and converted to a digital signal (col. 7, lines 26-8). This digital bit stream representing either data symbols, or idle symbols is eventually passed to the framer/idle detector (307) (col. 8, lines 26-34) where a decision is made to enter a standby mode, or exit standby

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mode. Yamano discloses that when the receiver circuit enters standby mode certain parts of the device are disabled, while others act in a reduced processing capacity (col. 9, lines 31-53). The device returns all parts to full processing capability when an incoming symbol is not representative of an idle symbol (col. 10, lines 14-25). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the receiver circuit of Yamano in the ADSL modems (18) and (28) of Nimmagadda so that the modems would only be acting in full capacity when high-speed data was being transmitted on the subscriber line. One of ordinary skill in the art would have been motivated to do this to provide efficient processing and to reduce power consumption by the modem.

- Regarding claim 5, see aforementioned teaching regarding claim 1. In addition, Fig. 5 of Nimmagadda shows an Internet Service Provider (108). This ISP represents the access device of the present invention.

- Regarding claim 2, see aforementioned teaching regarding claim 1.

- Regarding claim 3, see aforementioned teaching regarding claim 1. Additionally, Yamano discloses that the receiver circuit receives a continuous analog signal. The receiver circuit monitors this continuous analog signal (col. 3, lines 44-54).

- Regarding claim 4, see aforementioned teaching regarding claim 1. The teaching of Nimmagadda in view of Yamano et al. discloses an a/d converter for converting the analog signal to digital. As is well known in the art the operation of an a/d converter requires sampling an analog signal at regular intervals. Thus, the detector (307) is detecting symbols in a bit pattern that is a sampled representation of the analog signal.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bremer et al. (US 6,061,392) Apparatus and Method for Communicating Voice and Data Between a Customer Premises and a Central Office

- Mueller et al. (US 6,052,411) Idle Mode for Digital Subscriber Line

7. Any inquiry concerning this communication, or earlier communications from the examiner should be directed to Thomas Volper whose telephone number is 703-305-8405 and fax number is 703-746-9467. The examiner can normally be reached between 9:00am and 6:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo, can be reached at 703-305-4798. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

tev

January 15, 2003


RICKY NGO
PRIMARY EXAMINER